



Rep. Tom Cross

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1 AMENDMENT TO HOUSE BILL 6065

2 AMENDMENT NO. _____. Amend House Bill 6065 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Care
5 of Students with Diabetes Act.

6 Section 5. Legislative findings. The General Assembly
7 finds the following:

8 (1) Diabetes is a serious chronic disease in which the
9 pancreas does not make insulin (Type 1) or the body cannot
10 use insulin properly (Type 2).

11 (2) Diabetes must be managed 24 hours a day to avoid
12 the potentially life-threatening, short-term consequences
13 of low blood sugar and prevent or delay the serious
14 complications caused by blood sugar levels that are too
15 high for too long, such as atherosclerosis, coronary artery
16 disease, peripheral vascular disease, hypertension,

1 blindness, kidney failure, amputation, and stroke.

2 (3) Federal law affords people with diabetes specific
3 rights and protections. These laws include Section 504 of
4 the Rehabilitation Act of 1973, the Individuals with
5 Disabilities Education Improvement Act of 2004, and the
6 Americans with Disabilities Act of 1990, and the ADA
7 Amendments Act of 2008.

8 (4) When these federal laws are not implemented or
9 enforced consistently in school, students with diabetes
10 are discriminated against, their educational opportunities
11 are compromised, and their health and safety is
12 jeopardized.

13 (5) A school nurse is the most appropriate person in a
14 school setting to provide for all students' healthcare
15 needs; however, a school nurse may not be available when
16 needed, and many schools do not have a full-time nurse.

17 (6) Many students are capable of checking their blood
18 glucose levels, calculating a carbohydrate-to-insulin
19 ratio, and administering insulin independently. Allowing
20 capable students to manage diabetes independently in
21 school is consistent with the recommendations of pediatric
22 endocrinologists and certified diabetes educators and
23 other specialists.

24 (7) Because appropriate and consistent diabetes care
25 decreases the risks of serious short-term and long-term
26 complications, increases a student's learning

1 opportunities, and promotes individual and public health
2 benefits, the General Assembly deems it in the public
3 interest to enact this Act.

4 Section 10. Definitions. As used in this Act:

5 "Delegated care aide" means a school employee who has
6 agreed to receive training in diabetes care and to assist
7 students in implementing their diabetes care plan and has
8 entered into an agreement with a parent or guardian and the
9 school district or private school.

10 "Diabetes care plan" means a document that specifies the
11 diabetes-related services needed by a student at school and at
12 school-sponsored activities and identifies the appropriate
13 staff to provide and supervise these services.

14 "Health care provider" means a physician licensed to
15 practice medicine in all of its branches, advanced practice
16 nurse who has a written agreement with a collaborating
17 physician, or a physician assistant who has been delegated a
18 duty by his or her supervising physician.

19 "Principal" means the senior administrative school
20 employee.

21 "School" means any primary or secondary public, charter, or
22 private school located in this State.

23 "School employee" means a person who is employed by a
24 public school district or private school, a person who is
25 employed by a local health department and assigned to a school,

1 or a person who contracts with a school or school district to
2 perform services in connection with a student's diabetes care
3 plan.

4 Section 15. Diabetes care plan.

5 (a) A diabetes care plan shall be signed by a student's
6 parent or guardian and submitted to the school for any student
7 with diabetes who seeks assistance with diabetes care in the
8 school setting, unless the student has been managing his or her
9 diabetes care in the school setting before the effective date
10 of this Act, in which case the student's parent or guardian may
11 sign and submit a diabetes care plan under this Act. The
12 diabetes care plan shall include the treating doctor or nurse
13 practitioner's instructions concerning the student's diabetes
14 management during the school day, including requirements for
15 diet, glucose testing, insulin administration, and treatment
16 for hypoglycemia, hyperglycemia, and emergency situations.

17 (b) The services and accommodations specified in a diabetes
18 care plan shall be reasonable, reflect the current standard of
19 diabetes care, and include appropriate safeguards to ensure
20 that syringes and lancets are disposed of properly.

21 (c) A diabetes care plan shall include a uniform record of
22 glucometer readings and insulin administered by the school
23 nurse or delegated care aide during the school day and shall
24 use the form contained in "Helping Students with Diabetes
25 Succeed at School", a reference and care guide published by the

1 U.S. Department of Health and Human Services.

2 (d) A diabetes care plan shall be submitted to the school
3 at the beginning of the school year; upon enrollment, as soon
4 as practical following a student's diagnosis; or when a
5 student's care needs change during the school year. Parents
6 shall be responsible for informing the school in a timely
7 manner of any changes to the diabetes care plan and their
8 emergency contact numbers.

9 Section 20. Delegated care aides.

10 (a) Delegated care aides shall perform the activities and
11 tasks necessary to assist a student with diabetes in accordance
12 with his or her diabetes care plan and in compliance with any
13 guidelines provided during training under Section 25 of this
14 Act.

15 (b) Whenever a delegated care aide has a question about a
16 student's care, or when an unexpected snack or meal requires a
17 dose of insulin not anticipated by a student's diabetes care
18 plan, the delegated care aide shall consult with the parent or
19 guardian, school nurse, where available, or health care
20 provider to confirm that the insulin dosage is appropriate
21 given the number of carbohydrates to be taken and the student's
22 blood glucose level as determined by a glucometer reading.

23 (c) The principal shall facilitate compliance with the
24 provisions of a diabetes care plan during all school-sponsored
25 activities.

1 (d) Delegated care aides are authorized to provide
2 assistance by a student's parents or guardian and the school
3 district or private school.

4 Section 25. Training for school employees and delegated
5 care aides.

6 (a) In schools that have a student with diabetes, all
7 school employees shall receive training in the basics of
8 diabetes care, how to identify when a student with diabetes
9 needs immediate or emergency medical attention, and whom to
10 contact in the case of an emergency during a regular in-service
11 training as provided for by Section 10-22.39 of the School
12 Code.

13 (b) Delegated care aides shall be trained to perform the
14 tasks necessary to assist a student with diabetes in accordance
15 with his or her diabetes care plan, including training to do
16 the following:

17 (1) check blood glucose and record results;

18 (2) recognize and respond to the symptoms of
19 hypoglycemia according to the diabetes care plan;

20 (3) recognize and respond to the symptoms of
21 hyperglycemia according to the diabetes care plan;

22 (4) estimate the number of carbohydrates in a snack or
23 lunch;

24 (5) administer insulin according to the student's
25 diabetes care plan and keep a record of the amount

1 administered; and

2 (6) respond in an emergency, including how to
3 administer glucagon.

4 (c) The school district shall coordinate staff training.

5 (d) Initial training shall be provided by a licensed
6 healthcare provider with expertise in diabetes or a certified
7 diabetic educator and individualized by a student's parent or
8 guardian. The training shall be updated when the diabetes care
9 plan is changed and at least annually.

10 (e) School nurses, where available, or health care
11 providers may provide technical assistance or consultation or
12 both to delegated care aides.

13 (f) An information sheet shall be provided to any school
14 employee who transports a student for school-sponsored
15 activities. It shall identify the student with diabetes,
16 identify potential emergencies that may occur as a result of
17 the student's diabetes and the appropriate responses to such
18 emergencies, and provide emergency contact information.

19 Section 30. Self-management. In accordance with his or her
20 diabetes care plan, a student shall be permitted to do the
21 following:

22 (1) check blood glucose when and wherever needed;

23 (2) administer insulin with the insulin delivery
24 system used by the student;

25 (3) treat hypoglycemia and hyperglycemia and otherwise

1 attend to the care and management of his or her diabetes in
2 the classroom, in any area of the school or school grounds
3 and at any school-related activity or event in accordance
4 with the diabetes care plan; and

5 (4) possess on his or her person, at all times, the
6 supplies and equipment necessary to monitor and treat
7 diabetes, including, but not limited to, glucometers,
8 lancets, test strips, insulin, syringes, insulin pens and
9 needle tips, insulin pumps, infusion sets, alcohol swabs, a
10 glucagon injection kit, glucose tablets, and food and
11 drink, in accordance with the diabetes care plan.

12 Section 35. Restricting access to school prohibited. A
13 school district shall not restrict the assignment of a student
14 with diabetes to a particular school on the basis that the
15 school does not have a full-time school nurse, nor shall a
16 school deny a student access to any school or school-related
17 activities on the basis that a student has diabetes.

18 Section 40. Protections against retaliation. A school
19 employee shall not be subject to any penalty, sanction,
20 reprimand, discharge, demotion, denial of a promotion,
21 withdrawal of benefits, or other disciplinary action for
22 choosing not to agree to serve as a delegated care aide.

23 Section 45. Civil immunity.

1 (a) A school or a school employee is not liable for civil
2 or other damages as a result of conduct, other than willful or
3 wanton misconduct, related to the care of a student with
4 diabetes.

5 (b) A school employee shall not be subject to any
6 disciplinary proceeding resulting from an action taken in
7 compliance with this Act, unless the action constitutes willful
8 or wanton misconduct.

9 Section 50. Federal law. Nothing in this Act shall limit
10 any rights available under federal law.

11 Section 90. The School Code is amended by changing Section
12 10-22.21b as follows:

13 (105 ILCS 5/10-22.21b) (from Ch. 122, par. 10-22.21b)
14 Sec. 10-22.21b. Administering medication. To provide for
15 the administration of medication to students. It shall be the
16 policy of the State of Illinois that the administration of
17 medication to students during regular school hours and during
18 school-related activities should be discouraged unless
19 absolutely necessary for the critical health and well-being of
20 the student. Under no circumstances shall teachers or other
21 non-administrative school employees, except certified school
22 nurses, ~~and~~ non-certificated registered professional nurses,
23 and advanced practice nurses, be required to administer

1 medication to students. This Section shall not prohibit a
2 school district from adopting guidelines for
3 self-administration of medication by students. This Section
4 shall not prohibit any school employee from providing emergency
5 assistance to students.

6 (Source: P.A. 91-719, eff. 6-2-00.)

7 Section 95. The State Mandates Act is amended by adding
8 Section 8.34 as follows:

9 (30 ILCS 805/8.34 new)

10 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8
11 of this Act, no reimbursement by the State is required for the
12 implementation of any mandate created by this amendatory Act of
13 the 96th General Assembly.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."